IN THE UNTIED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

)	
)	NO. 1:04-0035
)	
)	JUDGE HAYNES
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ORDER

In accordance with the Memorandum filed herewith, the Petitioner's motion for summary judgment (Docket Entry No. 47) is **DENIED** and this action is **DISMISSED** with prejudice. The Petitioner has ten (10) days from the entry of this Order to file his statement of a Certificate of Appealibility under 28 U.S.C. §2253(c).

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the _______ day of December, 2007.